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App. No. 10/ 621,729
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Primary Examiner:
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Art Unit 3644

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February 04, 2004

Dear Sir,

Thank you very much for the Office Letter of December 08,
2003.

1. First thing first. The position itself is never been an argument as a standing, sitting, declining, sleeping and upside-down sleeping of a human being, or the lying with its belly on a horizontal tree trunk of a leopard (jaguar) can be found in every day living even before the beginning of the record written civilization. ---- "Obvious" enough.

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2. In Chapman, Jr. (6,419,188B1, 07-16-2002), Figs. 1, 7 and 9 show a sitting position with the upper body mainly in the upright position. Fig. 6 shows almost the same position as Fig. 1. According to the interpretation of Item 4 in the Office Letter, is it "obvious" to one having ordinary skill in the art at the time the invention was made to have the reclining seats of Zimmerman (2,108,093, 02-15-1938) or Zimmerman (2,411,770, 11-26-1946) installed ?

3. Why does Chapman, Jr. got his patent due to an "obvious" under 35 U.S.C. §103(a) ? Because the position itself is not a subject, or subject matter, or issue as described in Item 1. Chapman, Jr.'s invention is a cockpit instrument panel to reduce the size and weight of the cockpit. While Zimmerman's (2,108,093) invention is aimed at a structure affording an aerodynamic "lifting" surface. So is the situation in Item 5 of Office Letter of Zimmerman (2,411,770) with head-to-foot-tip height at an inclining "luxury" position to face more drag resistance.

4. In Zimmerman (2,108,093), claims 1, 5 and 9 : "a structure affording an aerodynamic lifting surface". Claims 6 and 8 : "a low aspect ratio body structure of substantially elliptical curvature on its lower surface in all cross sections". Claim 7 : "an body structure having substantially equal length and breadth". Claim 10 : "an

aircraft lifting structure, comprising a main portion substantially in the form of a rectangular, ---".

Page 1, column 1, line 21, : "The present invention approximates the ultimate ideal for high speed aircraft, which is a stream line body enclosing the load and the power plants with other accessories, and flattened so that its cross section is elliptical rather than round, efficiently to provide 'lift' at high speeds".

What is the subject, the major concern, the "subject matter" in record of the prior art? ---- lift ! ---- stream line ! ---- "stingray" structure, which exists long long time ago!!! ---- obvious ? The said stream line is accomplished with "high" (not low) fuselage height. So where is the "subject matter" ?

5. In Zimmerman (2,108,093), claim 1 : "said structure having in it space for pilot and for load, ----" ---- Never mention "low fuselage height" to lower down the major drag ---- directly involving in fuel consumption. Page 1, column 2, line 3 to 10 : "location of the propellers diminished induced drag". This is the "Subject Matter" of the prior art in record, which is not "obvious" at all to the applicant's patent application.

6. Zimmerman's (2,108,093) claims never mention to design a "low fuselage height" to reduce the major drag resistance which directly related to the fuel consumption.

Repeat, Zimmerman's (2,108,093) claims never specifically define the "low fuselage height" as his invention. Of course, one would like to refer to the drawing if something is missing in the claims. "Subject Matter" missing ?

In Zimmerman's (2,108,093), Fig 1, a pilot and two passengers lying in "parallel", not in series with respect to the aircraft longitudinal center line. "Three persons" in "parallel" to "face" indirectly the air resistance is never be able to reduce the drag, to gain speed and to save fuel; as compared with that of "one person" at the very front.

In Zimmerman's (2,108,093), Fig. 3, the height of aircraft body is "obvious" not of "low height" as judging from a person's "width" shown in Fig. 1. Also, the drag of the generated two large circles of propellers 20 and 21 during flight will be so huge that one should awake that this is not the subject in the field of supersonic flight ---- a wrong field.

7. In Pender (4,097,008, 06-27-1978), the cargo handling system is a system good for itself. A train, a food dishes delivery system, and an airport luggage conveying system are

systems useful, effective by their individual alone. It is "obvious" that when one apply a system onto another kind, the said specific system will fail to work ---- "obviously" the detail, specific requirements is not the same. The applicant's invention has the specific requirements that never found in the prior art, and entitled the grant of a patent.

8. Obviously, for the Concord aircraft the fuel price is not a major matter, or major subject matter, or issue, or not "obvious" until now. It was not "obvious" then. But it is so "obvious" now. How come ? A Columbus' egg ? This is a fact that it is not "obvious" absolutely, completely in the "Real World" then with any record of prior art.

Obviously, all cited patents of prior art said nothing on what, where and how to reduce the aircraft drag to reduce the fuel consumption.

9. In Mutke (4,071,210, 01-31-1978), is it "obvious" in view of both cited patents of Zimmerman and Chapman, Jr. ? Is it "obvious" in view of sleeping beds in the military ? In the army ? In the dormitory ? In the train ? ---- long long time ago ? ---- under 35 U.S.C. §103(a) ?

10. All in all, the phantom term "obvious" is a smoke like term that is not real and touchable. In view of a "go-no-go" gage, what kind of an "obvious-gage" one can use to "measure" to tell immediately, precisely with the exact same conclusion and result by all kinds of people, the difference between "obvious" and "not obvious" ?

The TV commercial, " When you say 'Budwiser', you say it all". Any new invention will be stop in front of a "Budwiser" patent (or a "obvious" rule) ---- as somebody already invented it "all" by a single, magic, powerful word : "Budwiser".

11. The prior art made of record has nothing related, in part or as a whole to the applicant's invention which specifies effectively in the low height of aircraft fuselage to effectively reduce the drag, and to effectively save the fuel consumption.

Therefore, the applicant hereby requests a kind re-consideration to grant the applicant the patent deserved.

Thank you very much.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Ming-Shean Ueng".

Ming-Shean Ueng / The applicant